

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DYLAN DOBBS,

Plaintiff,

v.

JACOB, et al.,

Defendants.

No. 1:23-cv-01409 GSA (PC)

ORDER TO SHOW CAUSE WHY THIS
MATTER SHOULD NOT BE DISMISSED
FOR FAILURE TO OBEY A COURT ORDER

(ECF No. 4)

PLAINTIFF'S SHOWING OF CAUSE DUE
FEBRUARY 23, 2024

Plaintiff, a county jail inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

For the reasons stated below, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to obey a court order, specifically, for failure to provide a copy of his six-month prison trust fund account statement. As an alternative to filing a response to the order to show cause, Plaintiff may either file a copy of the statement, or he may pay the filing fee in full.

I. BACKGROUND

On October 4, 2023, Plaintiff was ordered to submit a copy of his six-month prison trust fund account statement, and to do so within sixty days. See ECF No. 4 at 2. More than sixty

days have passed, and Plaintiff has neither filed a copy of his trust account statement, nor has he responded to the Court's order in any way.

II. DISCUSSION

Federal law requires a party commencing a civil action to pay filing fees. See 28 U.S.C. § 1914. In order for a prisoner to proceed in forma pauperis, he must submit an affidavit that includes a statement of all assets and an assertion that he is unable to prepay the fees. 28 U.S.C. § 1915(a)(1). He must also submit a certified copy of his trust fund account statement for the six-month period that immediately precedes the filing of his complaint. Id. at (a)(2).

Plaintiff has submitted the appropriate affidavit. See ECF No. 2 (application to proceed in forma pauperis). Plaintiff has not, however, submitted a copy of his six-month prison trust fund account statement. For this reason, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to obey a court order.

Plaintiff may file objections to this order or, in the alternative, he may file a six-month prison trust fund account statement or pay the filing fee in full. He will be given thirty days to comply with this order.

Accordingly, IT IS HEREBY ORDERED that:

1. Within thirty days from the date of this order, – **February 23, 2024**, – Plaintiff shall file a showing of cause why this matter should not be dismissed for failure to obey a court order, and

2. In lieu of filing a showing of cause, Plaintiff may either: (a) file a copy of his six-month prison trust fund account statement with the Court, or (b) pay the filing fee in full.

Plaintiff is cautioned that failure to timely respond to the Court's order may result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: **January 24, 2024**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE